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09/881,448	06/12/2001	Manav Mishra	42390.P10984	6907

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EXAMINER

FAHMY, SHERIF R

ART UNIT	PAPER NUMBER
2633	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/881,448	
Examiner	MISHRA, MANAV	
Sherif R. Fahmy	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 June 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chang.

Regarding claim 1, Chang teaches a method for provisioning bandwidth in a hybrid network (fig. 2), comprising:

Assigning a set of switching wavelengths (W<sub>p</sub>, W<sub>a</sub>) to traffic in the network; and  
Optically switching the traffic between nodes using the set of switching wavelengths (fig. 2: 123, 121, 122, 201, 203).

3. Regarding claim 2, Chang teaches

Identifying critical nodes in the network;  
Establishing at least one static path between the identified critical nodes; and  
Optically switching traffic on the static path using the set of switching wavelengths

(see fig. 5, col. 11- line 5 to col. 12- line 23).

4. Regarding claims 3 and 6, Chang teaches

Dynamically selecting a path for traffic flow (col. 7- lines 17-33);

Signaling downstream nodes in the path to establish and maintain the selected path for a predetermined time period (col. 7- lines 17-33, fig. 2 –NC & M 220—, fig. 5, col. 11- line 5 to col. 12- line 23).

Releasing the selected path after the predetermined time period elapses (col. 7- lines 27-33).

5. Regarding claim 4, Chang teaches

Assigning a set of routing wavelengths to a portion of the traffic in the network; and

Routing the portion of traffic between nodes using the set of routing wavelengths (col. 12- line 23 to col. 13- line 22).

6. Regarding claim 5, Chang teaches

Statically assigning a set of switching wavelengths to traffic in the network; and  
Optically switching the traffic between nodes using the set of switching wavelengths (col. 11- lines 47- 65).

7. Claims 7-10 and 12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nishimoto.

Regarding claim 7, Nishimoto teaches a method for sharing bandwidth in a hybrid network, comprising:

Labeling traffic to be switched in the network with a set of switching wavelengths;

Labeling traffic to be routed in the network with a set of routing wavelengths; and  
Optically switching the traffic labeled with switching wavelengths; and  
Routing the traffic with routing wavelengths.

(see fig. 12).

8. Regarding claim 8, Nishimoto teaches

Optically switching the traffic labeled with switching wavelengths using optical circuit switching; and

Routing the traffic labeled with routing wavelengths using Internet Protocol (IP) routing.

(See p. 5- [0113] to [0115]).

9. Regarding claim 9, Nishimoto teaches

Converting the traffic labeled with routing wavelengths to an electrical domain (15 in fig. 12);

Processing the traffic labeled with routing wavelengths in the electrical domain (18); and

Converting the traffic labeled with routing wavelengths back to the optical domain from the electrical domain (16).

10. Regarding claim 10, Nishimoto teaches

Optically switching the traffic labeled with switching wavelengths using a wavelength network element, an optical cross-connect, an optical network element, an optical switch, a lambda switch, a lambda network element, or a wavelength translator (18).

11. Regarding claim 12, Nishimoto teaches

Routing the traffic labeled with routing wavelengths using an Internet Protocol (IP), asynchronous transport mode (ATM), or frame delay (page 5- [0114]).

Art Unit: 2633

12. Claims 7, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghani (“Lambda-labeling: A Framework for IP-over-WDM using MPLS”).

Regarding claim 7, Ghani teaches a method for sharing bandwidth in a hybrid network, comprising:

Labeling traffic to be switched in the network with a set of switching wavelengths;

Labeling traffic to be routed in the network with a set of routing wavelengths; and

Optically switching the traffic labeled with switching wavelengths; and

Routing the traffic with routing wavelengths.

(see fig. 14—for a more legible copy of figure 14, see identical figure in Ghani - “Integration Strategies for IP over WDM”, figure named “Hybrid Fiber-Wavelength- Packet (FWP) Node”)

13. Regarding claim 11, Ghani teaches

Routing the traffic labeled with routing wavelengths using Open Shortest Path First (OSPF), Resource Reservation Protocol (RSVP), or Border Gateway Protocol (BGP). (see page 51- top of 2<sup>nd</sup> column).

14. Regarding claim 13, Ghani teaches

Further labeling traffic to signal and transfer control information updates in the network with a set of control wavelengths (fig. 13 and section 3.5); and

Exchanging routing updates using the set of control wavelengths (control wavelengths are inherently used for routing updates).

15. Claims 15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghani.

Regarding claim 15, Ghani teaches an apparatus to communicate in a hybrid network, comprising:

switching logic to optically switch traffic carried on a set of switching wavelengths (fig. 14- “fiber LSP level”, the lowest level, and “wavelength switching level”, the second level),

routing logic coupled to the switching logic to route traffic carried on a set of routing wavelengths (fig. 14- “packet switching level”, the top level in the figure);

control logic coupled between the switching logic and the routing means for receiving information carried on a set of control wavelengths to determine whether traffic is directed to the switching logic or the routing logic (section 3, 3.1, 4, and fig. 13- top diagram).

16. Regarding claim 17, it is inherent to the operation of the nodes shown in figures 13 and 14, that the logic assigns a set of routing wavelengths to a portion of the traffic in the network; and routes the portion of the traffic between nodes using the set of routing wavelengths. This is because certain wavelengths are dropped to the packet-switching level in figure 14. Also see section 3.1.

17. Regarding claim 18, Ghani teaches logic statically assigning a set of switching wavelengths to traffic in the network; and optically switching the traffic between nodes using the set of switching wavelengths (sections 3, 3.1, 3.3).

18. Regarding claim 19, Ghani teaches logic dynamically assigning a set of switching wavelengths to traffic in the network; and optically switching the traffic between nodes using the set of switching wavelengths (p. 51- right-hand column, first full paragraph, and section 3.1).

Art Unit: 2633

19. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghani.

Regarding claim 20, Ghani teaches a hybrid communications network, comprising:

A first hybrid node (fig. 14) to label switched traffic with a set of switching wavelengths (“wavelength switching/conversion matrix”), to label routed traffic with a set of routing wavelengths (fig. 14- see “WDM inputs from laser interfaces on routers” to “wavelength switching/conversion matrix”);

At least one secondary hybrid node (also exemplified by fig. 14) coupled to the first hybrid node (see figs. 9 and 11) to receive the switched traffic on the set of switching wavelengths and routed traffic on the set of routing wavelengths, to route the routed traffic using IP, ATM or frame relay (see top of page 47) and to optically circuit switch the switched traffic and the routed traffic to another secondary node (see “Wavelength switching/conversion matrix”).

20. Regarding claim 21, the first and secondary hybrid nodes comprise a wavelength network element, an optical cross-connect, an optical network element, an optical switch, a lambda switch, a lambda network element, or a wavelength translator (see “multi-fiber spatial switch” and “wavelength switching/conversion matrix”).

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto as applied to claim 7 above, and further in view of Chang. Nishimoto does not specifically teach

Labeling traffic to signal and transfer control information updates in the network with a set of control wavelengths;

Appending labeling information on routing updates;

Exchanging routing updates and labeling information using the set of control wavelengths; and

Generating a label map from the routing updates and labeling information.

Chang teaches these features in a hybrid network (fig. 4, col. 11- lines 14-60). At the time the present invention was made, it would have been obvious to one having ordinary skill in the art to use routing wavelengths to update routing and labeling information, as taught by Chang, in the method of Nishimoto. One having ordinary skill in the art would have been motivated to do this in order to render Nishimoto reconfigurable (by use of the control wavelengths), thus allowing for more versatile communications by changing path assignments based on network needs.

23. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghani as applied to claim 15 above, and further in view of Chang. Ghani teaches the logic further to

dynamically select a path for traffic flow (section 3.2);

signal downstream nodes in the path to establish and maintain the selected path; optically switch traffic on the selected path using the set of switching wavelengths; and release the selected path.

24. Ghani does not specify setting up the path for a predetermined amount of time. Chang teaches setting up a wavelength path for a predetermined amount of time, after which the path is released (col. 7- lines 17-33). At the time the present invention was made, it would have been obvious to one having ordinary skill in the art to set up a wavelength path for a predetermined amount of time, after which the path is released. One having ordinary skill in the art would have been motivated to do this in the case of bursty traffic, in order to accommodate a burst of traffic, and then to return the network to its original configuration.

25. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghani as applied to claim 20 above and further in view of Chang.

Regarding claim 22, Ghani teaches the hybrid nodes comprising logic to receive routing updates and label information via a set of control wavelengths. Ghani does not specifically teach generating a label map from the routing updates. Chang teaches a hybrid system, wherein the hybrid nodes use information via a set of control wavelengths to generate a label map from the routing updates (fig. 4).

26. Regarding claim 23, the first and secondary hybrid nodes each further comprise logic to store routing (410).

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ghani ("Integration Strategies for IP over WDM") is cited for disclosing the basic principles of wavelength labels. Phillippe is cited for disclosing a hybrid system with specifically assigned switching wavelengths and routing wavelengths. Su is cited for disclosing a hybrid system with wavelength labeling. Rappaport is cited for disclosing a hybrid IP and WDM system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherif R. Fahmy whose telephone number is 703-305-8088. The examiner can normally be reached on 8:30AM-6:00PM(Mo-Th) 8:30AM-5:00PM(2nd & 4th Fr).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4800.

SRF  
May 5, 2003

  
LESLIE PASCAL  
PRIMARY EXAMINER